



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/789,025 01/27/97 KERZMAN

J 33012/184/10

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TM02/0213

EXAMINER

JONES, H

ART UNIT

PAPER NUMBER

2123

DATE MAILED:

02/13/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Art Unit: 2123

DETAILED ACTION

NOTIFICATION OF NON-COMPLIANCE WITH THE REQUIREMENTS OF 37

CFR 1.192(c)

1. This communication is responsive to the Appeal Brief filed 11/29/2000.
2. The brief does not contain a concise explanation of the invention *defined in the claims* involved in the appeal, *which refers to the specification by page and line number*, and to the drawing, if any, by reference characters as required by 37 CFR 1.192(c)(5). Representative has provided a lengthy exposition of the invention (pp. 9-14) which is not reflected in the claims, and has not specifically indicated where the *claim limitations* are supported in the specification and/or incorporated co-pending Applications.
3. The brief does *not* contain a *heading* identifying the *related* appeals and interferences directly affected by or having a bearing on the decision in the pending appeal as required by 37 CFR 1.192(c)(2).
4. There is a *statement* (page 2, paper 8, no heading) that there are no known co-pending appeals. This statement is incorrect because this Application incorporates by reference co-pending Applications for which Appeal Briefs have been submitted. These other applications have been deemed *related* by the Applicant's Own Admission (see page 1 of the specification). *Related* Appeal briefs have been submitted by Applicant's Representative for the following co-pending Applications:

Art Unit: 2123

- 08/789,024

- 08/789,027

- 08/789,028

- 08/789,029

5. The brief includes a statement that claims 1-41 do not stand or fall together, but fails to present reasons in support thereof as required under 37 CFR 1.192(c)(5). MPEP § 1206.

Furthermore, Applicant's Representative has never previously argued the claims as other than a single group.

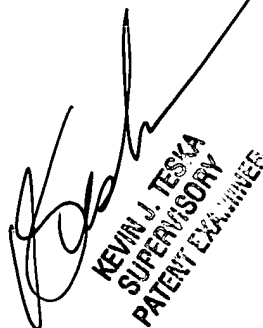
6. Appellant is required to comply with provisions of 37 CFR 1.192(c).

7. To avoid dismissal of the appeal, Appellant must comply with the provisions of 37 CFR 1.192(c) within the longest of any of the following TIME PERIODS: (1) ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing of this communication; (2) within the time period for reply to the action from which appeal has been taken; or (3) within two months from the date of the notice of appeal under 37 CFR 1.191. Extensions of these time periods may be granted under 37 CFR 1.136.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Hugh Jones whose telephone number is (703) 305-0023.

Dr. Hugh Jones

February 9, 2001


KEVIN J. TESKA
SUPERVISORY
PATENT EXAMINER